

IN THE UNITED STATES DISTRICT COURT  
FOR THE EASTERN DISTRICT OF TEXAS  
MARSHALL DIVISION

MAIN HASTINGS LLC,

*Plaintiff,*

V.

HSBC USA, INC., HSBC BANK USA, N.A., CITY NATIONAL CORPORATION, CITY NATIONAL BANK, SUNTRUST BANKS, INC., SUNTRUST BANK, THE PNC FINANCIAL SERVICES GROUP, INC., PNC BANK, N.A., PNC CAPITAL ADVISORS, LLC, UNIONBANCAL CORPORATION, UNION BANK, N.A., ZIONS BANCORPORATION, AND ZIONS FIRST NATIONAL BANK

*Defendants.*

Civil Action No. 2:11-cv-00025-TJW

## Jury Trial Demanded

## STIPULATED DISMISSAL WITH PREJUDICE

Pursuant to Rule 41(a) of the Federal Rules of Civil Procedure and the terms of a separate Settlement and Release Agreement, the Relator, Main Hastings LLC (“Relator”) and Defendants The PNC Financial Services Group, Inc., PNC Bank, N.A., and PNC Capital Advisors, LLC (“Defendants”), have agreed to settle, adjust, and compromise all claims and counterclaims against each other in the above-captioned action. The parties, therefore, stipulated to dismiss all claims by Relator against Defendants made therein with prejudice to the refiling the same.

Relator and Defendants further stipulate that all costs and expenses relating to this litigation (including attorney and expert fees and expenses) shall be borne solely by the party incurring the same.

Dated: June 7, 2011

AGREED:

Respectfully submitted,

MORGAN LEWIS & BOCKIUS LLP

By: /s/ Rick L. Rambo  
Rick L. Rambo  
State Bar No. 00791479  
James L. Beebe  
State Bar No. 24038708  
1000 Louisiana St., Suite 4200  
Houston, Texas 77002  
Tel: 713.890.5000  
Fax: 713.890.5001  
Email: [jbeebe@morganlewis.com](mailto:jbeebe@morganlewis.com)

Attorneys for Defendants The PNC Financial  
Services Group, Inc., PNC Bank, N.A., and  
PNC Capital Advisors, LLC

By: /s/ Winston O. Huff  
Winston O. Huff  
Texas Bar No. 24068745  
Huff Legal Group, P.C.  
2500 Dallas Parkway, Suite 260  
Plano, TX 75093  
972.826.4467 (firm)  
9214.593.1972 (fax)  
[wohuff@hufflegallgroup.com](mailto:wohuff@hufflegallgroup.com)

Attorneys for Plaintiff  
Main Hastings, LLC

**CERTIFICATE OF SERVICE**

This is to certify that all counsel of record who are deemed to have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system per Local Rule CV-5(a)(3) on this 7th day of June, 2011.

s/Winston O. Huff

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*Defendants.*

Civil Action No. 2:11-cv-00025-TJW

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## ORDER OF DISMISSAL WITH PREJUDICE

The Court, having considered the Stipulated Dismissal filed by the Parties herein, finds that the Parties have reached a settlement and that this action should be dismissed with prejudice to the refiling of same.

The Court hereby HOLDS and ORDERS that any and all claims by Main Hastings LLC on behalf of itself, the United States and the general public, regarding Defendants The PNC Financial Services Group, Inc., PNC Bank, N.A., and PNC Capital Advisors, LLC (“Defendants”) alleged false marking or advertising or causing or contributing to the false marking or advertising under 35 U.S.C. § 292 of its products marked with U.S. Patent No. 5,265,007 are fully resolved and hereby dismissed with prejudice.

The Court hereby HOLDS and ORDERS that compliance with the terms of the Settlement Agreement between the Parties fully resolves any issue relating to Defendants' marking of its products with U.S. Patent No. 5,265,007.

The Court hereby HOLDS and ORDERS that Main Hastings LLC has the standing to act on behalf of the United States and the General Public pursuant to 35 U.S.C. § 292.

The Court hereby HOLDS and ORDERS that Main Hastings LLC has a valid statutory partial assignment of rights from the United States to pursuant to 35 U.S.C. § 292.

The Court hereby HOLDS and ORDERS that the claims asserted in this action by Main Hastings on behalf of the United States and the general public are hereby dismissed with prejudice.